

AGENDA

MALVERN CITY COUNCIL
Monday, June 11, 2016
CITY HALL COURTROOM, 7:00 P.M.

I. CALL THE MEETING TO ORDER

II. INVOCATION

III. ROLL CALL

IV. APPROVE MINUTES OF PREVIOUS MEETING

A. May 9, 2016

V. ACKNOWLEDGE RECEIPT OF DEPARTMENTAL REPORTS

- A. *Financial Statement*
- B. *Street Department Report*
- C. *CEO/Fire Department Reports*
- D. *Police Report*
- E. *Water Department Report*
- F. *LifeNet Report*

VI. OLD BUSINESS

A. Relocation of District Court/Treasurer's Office

VII. NEW BUSINESS

- A. *Accept 2014 Audit*
- B. *Ordinance Amending Ordinance No. 04-10 (Waterworks Project Series 2004A)*
- C. *Ordinance Amending Ordinance No. 04-11 (Water & Sewer Revenue Bond Series 2004B)*
- D. *Ordinance Amending Ordinance No. 1175 (Water & Sewer Revenue Bond Series 1998)*
- E. *Ordinance Authorizing Execution and Delivery of Amendment to Lease Purchase Agreement*
- F. *Ordinance Amending No. 2016-02 and the 2016 Water and Sewer Dept. Budget*
- G. *First Reading - Ordinance Adopting New Permit Fee Schedule*
- H. *Ordinance Prohibiting Jake Brakes*
- I. *Authorize Bids for I-30 Bridge Bracket Repairs*
- J. *Approve Police Department Salary Proposal*
- K. *Authorizing Water Sale to Outside User (Hart)*

VIII. CITIZENS WISHING TO APPEAR

IX. MAYOR REPORTS

X. ADJOURNMENT

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The Malvern City Council met for its regular monthly meeting on Monday, June 11, 2016 at 7:00 p.m. in the City Hall Courtroom. Mayor Brenda Weldon called the meeting to order and welcomed everyone to the meeting. Present for the meeting were Council members Mary Fraction, William Wilson, Lynn Davis, J. Wayne Reynolds, Peggy Lusinger, Robin Halbert, Larry Stiles and David Cross. Also present were City Clerk/Treasurer Phyllis Dial and City Attorney Cecilia Ashcraft. Mayor Weldon declared a quorum present. The invocation and pledge of allegiance were led by Alderman David Cross.

A motion was made by Reynolds, seconded by Cross to adopt the minutes of the previous regular meeting held on May 9, 2016. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried.

Monthly departmental reports were considered. A motion was made by Davis seconded by Fraction to accept departmental reports as posted. Alderman Reynolds asked if the violation reported on the code enforcement report were actual tickets. Fire Chief Harper answered that they were contacts, but that if the Council desired he would try to implement a new system into the computer that would provide a more detailed breakdown of warnings and citations. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried.

Under old business, Mayor Weldon reported that the City did receive a \$14,000 GIF grant from the Southeast Planning and Development District at the recommendation of State Representative Ken Bragg, who represents a small portion of Hot Spring County, for the relocation of the Malvern/Hot Spring County District Court Offices and the Malvern Treasurer's Office. She asked the Council to express their thanks to him for his help on the relocation project. Weldon reported that with the other grants we have received, there will be a remaining shared cost of about \$11,000.00 on the project to be split, hopefully, between Malvern, Rockport, and Hot Spring County. She said that she is working with both judges on the project and we have received a commitment from the county. Judge Burnett is working with Rockport.

Under new business, a motion was made by Reynolds seconded by Fraction to accept the City's 2014 audit as presented by the Arkansas Division of Legislative Audit. Alderman Reynolds pointed out that the city had once again been cited for a lack of segregation of duties. He said that our response is that we don't have the staff or resources to provide the segregation of duties that they request, but he urged the department heads and city council members not to take that comment lightly as it can cause serious problems. He urged council members to bring their copy of the city's audit with them to the next finance meeting to be reviewed so some of the newer council members can understand the difference in what is required from the audit of a private business and a government entity. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried.

Mayor Weldon introduced Michael Moyers, bond counsel from Friday, Eldridge, and Clark who is assisting on the refinancing of the water and sewer bonds. Council Member Lusinger introduced an ordinance amending Ordinance 04-10 and refinancing Water Works Project Series 2004A. Mr. Moyers read the ordinance for its first reading. A motion was made by Stiles, seconded Fraction to suspend the rules and place the ordinance on its second reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried and the Mr. Moyers read the ordinance for its second reading by title only. A motion was made by Stiles, seconded by Lusinger to suspend the rules and place the ordinance on its third and final reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried and the ordinance was read for the third and final time by title only by Mr. Moyers. A motion was made by Stiles, seconded by Lusinger to adopt the ordinance. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried and the ordinance was declared adopted and assigned No. 2016-06. A motion was made by Stiles, seconded by Fraction to adopt the emergency

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clause. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried and the emergency clause was declared adopted.

ORDINANCE NO. 2016-06

AN ORDINANCE AMENDING ORDINANCE NO. 04-10; AUTHORIZING A REVISED REPAYMENT SCHEDULE AND LOWER INTEREST RATE FOR THE OUTSTANDING CITY OF MALVERN, ARKANSAS CAPITAL IMPROVEMENT BOND (WATERWORKS PROJECT) SERIES 2004A; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY

Council Member Davis introduced an ordinance amending Ordinance 04-11 and refinancing Water Works Project Series 2004B. Mr. Moyers read the ordinance for its first reading. A motion was made by Cross, seconded by Stiles to suspend the rules and place the ordinance on its second reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried and the Mr. Moyers read the ordinance for its second reading by title only. A motion was made by Fraction, seconded by Lusinger to suspend the rules and place the ordinance on its third and final reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried and the ordinance was read for the third and final time by title only by Mr. Moyers. A motion was made by Cross, seconded by Fraction to adopt the ordinance. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried and the ordinance was declared adopted and assigned No. 2016-07. A motion was made by Cross, seconded by Fraction to adopt the emergency clause. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried and the emergency clause was declared adopted.

ORDINANCE NO. 2016-07

AN ORDINANCE AMENDING ORDINANCE NO. 04-11; AUTHORIZING A REVISED REPAYMENT SCHEDULE AND LOWER INTEREST RATE FOR THE OUTSTANDING CITY OF MALVERN, ARKANSAS WATER AND SEWER REVENUE BOND, SERIES 2004B; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY

Council Member Fraction introduced an ordinance amending Ordinance No. 1175 and refinancing Water and Sewer Revenue Bonds, Series 1998. Mr. Moyers read the ordinance for its first reading. A motion was made by Cross, seconded Lusinger to suspend the rules and place the ordinance on its second reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried and the Mr. Moyers read the ordinance for its second reading by title only. A motion was made by Cross, seconded by Stiles to suspend the rules and place the ordinance on its third and final reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried and the ordinance was read for the third and final time by title only by Mr. Moyers. A motion was made by Cross, seconded by Halbert to adopt the ordinance. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried and the ordinance was declared adopted and assigned No. 2016-08. A motion was made by Cross, seconded by Lusinger to adopt the emergency clause. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried and the emergency clause was declared adopted.

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ORDINANCE NO. 2016-08

AN ORDINANCE AMENDING ORDINANCE NO. 1175; AUTHORIZING A REVISED REPAYMENT SCHEDULE AND LOWER INTEREST RATE FOR THE OUTSTANDING CITY OF MALVERN, ARKANSAS WATER AND SEWER REVENUE BOND, SERIES 1998; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY

Council Member Halbert introduced an ordinance authorizing the execution and delivery of an amendment to the City's Lease Purchase Agreement with the Arkansas Natural Resources Commission. Mr. Moyers read the ordinance for its first reading. A motion was made by Cross, seconded Lusinger to suspend the rules and place the ordinance on its second reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried and the Mr. Moyers read the ordinance for its second reading by title only. A motion was made by Davis, seconded by Cross to suspend the rules and place the ordinance on its third and final reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried and the ordinance was read for the third and final time by title only by Mr. Moyers. A motion was made by Cross, seconded by Davis to adopt the ordinance. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried and the ordinance was declared adopted and assigned No. 2016-09. Alderman Cross noted that the council seemed to go through the passage of these bond ordinances tonight pretty quickly, but advised the public that this refinancing is saving the Water and Sewer Department over \$1,000,000.00. A motion was made by Cross, seconded by Lusinger to adopt the emergency clause. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried and the emergency clause was declared adopted.

ORDINANCE NO. 2016-09

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO LEASE-PURCHASE AGREEMENT BETWEEN THE CITY OF MALVERN, ARKANSAS AND THE ARKANSAS NATURAL RESOURCES COMMISSION FOR THE PURPOSE OF REDUCING THE INTEREST RATE ON THE FINANCING OF EXTENSIONS, BETTERMENTS AND IMPROVEMENTS TO THE CITY'S WATER FACILITIES; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY

Council Member Reynolds introduced an ordinance amending Ordinance 2016-02 and the 2016 Budget for the Malvern Water and Sewer Department in order to appropriate \$10,000.00 to cover the legal fees associated with refinancing the bonds. City Attorney Ashcraft read the ordinance for its first reading. A motion was made by Davis, seconded Cross to suspend the rules and place the ordinance on its second reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried and the city attorney read the ordinance for its second reading by title only. A motion was made by Cross, seconded by Fraction to suspend the rules and place the ordinance on its third and final reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried and the ordinance was read by the city attorney for the third and final time by title only. A motion was made by Cross, seconded by Fraction to adopt the ordinance. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried and the ordinance was declared adopted and assigned No. 2016-10. A motion was made by Cross, seconded by Stiles to adopt the emergency clause. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried and the emergency clause was declared adopted.

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ORDINANCE NO. 2016-10

AN ORDINANCE AMENDING ORDINANCE NO. 2016-02 AND THE APPROPRIATION OF FUNDS FOR THE OPERATION OF THE CITY OF MALVERN, ARKANSAS WATER AND SEWER DEPARTMENT, DECLARING AN EMERGENCY

Alderman Reynolds introduced for its first reading an ordinance repealing Ordinance No. 00-13 and adopting a new Permit and Fee Schedule for the City. The City Attorney read the ordinance for its first reading. The second reading will be held at the July meeting.

Alderman Reynolds introduced an ordinance for its first reading prohibiting the use of Engine Brakes (or "Jake Brakes") within the City except in emergency situations. The City Attorney read the ordinance for its first reading. Mayor Weldon noted that the ordinance will be heard for its second reading at the July meeting.

A motion was made by Cross, seconded by Stiles to authorize the Water and Sewer Department to advertise for bids for the repair of the brackets holding the water and sewer lines across the I-30 Bridge on Tanner Road. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried.

A motion was made by Alderman Fraction, seconded by Cross to approve Salary Proposal #1 as presented by the Malvern Police Department and recommended by the Budget Committee at last week's Finance Meeting. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried.

Council Member Cross introduced a resolution allowing a one-time exception to the city's water and sewer policy. The Clerk read the resolution. Mayor Weldon noted that this user comes from what used to be the North Malvern Water Association and that no additional extension of lines or expenses will be required. A motion was made by Cross, seconded by Lusinger to approve the resolution. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried and the resolution was assigned No. 06-2016.

RESOLUTION NO. 06-2016

A RESOLUTION ALLOWING A ONE-TIME EXCEPTION TO THE CITY OF MALVERN'S WATER AND SEWER POLICY

A motion was made by Cross, seconded by Fraction to open the agenda to consider a resolution accepting State Aid from the Arkansas Department of Highway and Transportation Department for an overlay project in the City. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried.

Council Member Cross introduced a resolution authorizing the City to utilize State Aid money for an overlay project on Pine Bluff Street. The Clerk read the resolution. Mayor Weldon noted that the project is 100% funded up to \$250,000.00 and that she has told them that we do not want to go over that amount. She said that the project should cover Pine Bluff Street from Main Street to Wilson Street and if there is enough money, we may be able to overlay Moline Street from MLK Blvd. to the railroad tracks. A motion was made by Halbert, seconded by Reynolds to approve the resolution. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried and the resolution was assigned No. 07-2016.

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RESOLUTION NO. 07-2016

STATE AID CITY STREET PROGRAM PROJECT RESOLUTION;
THE CITY OF MALVERN TO UTILIZE STATE AID STREET MONIES FOR THE FOLLOWING CITY
PROJECT: *Malvern Overlay*

There being no further business to come before the Council and upon a motion by Reynolds, seconded by Stiles, the Council voted to adjourn. Mayor Weldon declared the meeting adjourned.



Brenda J. Weldon, Mayor



Phyllis Dial, City Clerk/Treasurer

PROPOSAL #1

Total Amount for COTO Increase:

	Current Base Salary	Current w/ Benefits *		Proposed Base Salary	Proposed w/ Benefits *		Total Amount of Proposed Increase Of Each Position*		Total Increase*	
Patrol	\$28,000.00	(\$50,414.34)	TO	\$30,000.00	(\$53,195.31)	Difference -	\$2,780.97	x 7	\$19,466.79	
Corporal	\$30,000.00	(\$53,221.03)	TO	\$30,500.00	(\$53,916.27)	Difference -	\$ 695.24	x 7	\$ 4,866.68	
Sergeant	\$33,093.00	(\$55,337.98)	TO	\$36,093.00	(\$59,718.00)	Difference -	\$4,380.02	x 4	\$17,520.08	
Lieutenant	\$36,008.00	(\$64,523.98)	TO	\$38,008.00	(\$67,444.00)	Difference -	\$2,920.02	x 2	\$ 5,840.04	
									Total Increase	\$47,693.59
									Less COTO Contribution	- \$32,000.00
									Total Increase to City	\$15,693.59

* Benefit Package Includes Longevity, Incentives, Holiday Pay, Insurance, Workers' Compensation , Social Security, and LOPFI